
MEMORANDUM

To: All Counsel
From: Judge Edwin M. Kosik
Date: 9/16/2010
Re: Noto v. Kluger, No. 3:10-CV-1391

We have Plaintiff's brief in opposition to the defense motion to dismiss as well as the defense's reply brief.

In the supporting brief as to Counts II, IV, and V, the defense raises a limitations issue supported with authorities that the statutes upon which the counts are based are statutes of repose to which the "discovery" rule does not apply from extending the limitations periods.

Plaintiff's brief disagrees but offers no authority. Plaintiff persists in this view by repeating the counts in the proposed amended complaint.

For the foregoing reasons, I am requesting Plaintiff's counsel to provide his authority or agree with that of the defense.

EMK